

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:93-CR-00016-BO

UNITED STATES OF AMERICA,

v.

DAVID ELIJAH SMITH.


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ORDER

Before the Court is Defendant David Elijah Smith's *pro se* filing entitled "Motion Pursuant to Amendment 599 U.S.S.G., 18 U.S.C. § 3582(c)-(2)" [DE 151]. The Clerk has characterized this Motion as a "Motion for Reconsideration" of the Court's Order of July 28, 2010 [DE 148]. Pursuant to the July 28 Order, Defendant's sentence on Count 7 was reduced in light of the retroactive application of the United States Sentencing Guidelines to a crack cocaine offense.

Considering the substance of the Motion, it is apparent that Defendant requests additional relief beyond what the Court granted in the July 28 Order. Specifically, as set forth in his Motion, Defendant requests application of "Amendment 599" to his term of incarceration. The application of Amendment 599 to this Defendant's criminal sentence has never been addressed by the Court. Accordingly, the Court DIRECTS the Government to respond to Defendant's Motion for relief under Amendment 599 [DE 151] within twenty days from the filing of this Order.

DONE AND ORDERED, this 4 day of May, 2011.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE